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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,978	03/15/2000	Sean Nolan	004444.P001	9734

7590

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EXAMINER

DINH, KHANH Q

ART UNIT

PAPER NUMBER

2151

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/526,978

Applicant(s)

NOLAN, SEAN

Examiner

Khanh Dinh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-11, 13, 14, 21-24, 26 and 27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-11, 13, 14, 21-24, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

1. This is in response to the Response filed on 3/21/2005. Claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable Sonnenberg, U.S. pat. No.6,523,023 in view of Braden-Harder et al., US pat. No.5,933,822.

As to claim 1, Sonnenberg discloses a method comprising:

storing data on a server (134 fig.1) coupled to receive requests from client devices (terminals 122, 132 fig.1) and generating a set of one or more common search requests for subsets (internet search agents 140, 142, 146 fig.1) of the product data (see abstract, fig.1, 4 lines 28-59).

performing the set of common search requests to identify one or more products, storing on the server an indication of one or more products as a result of performing of common search requests (see col.4 line 60 to col.5 line 43).

receiving a subsequent search request from a client device (122 fig.1), determining whether the subsequent search request is one of the common search

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requests and providing results without performing the subsequent search request if the subsequent search request is one of the common search requests (i.e., using Internet search agents ISA for searching information by accessing commercial search engines such as yahoo, Excite..., see col.5 lines 4-65).

providing results from the stored results without performing the subsequent search request if the subsequent search request is equivalent to one of the common search requests

and performing the subsequent search request if the subsequent search request is not equivalent to one of the previously performed common search requests (using the ISAs) (see fig.2, col.6 line 13 to col.7 line 45).

Sonnenberg does not specifically disclose the step of based on the frequency of previously search requests. However, Braden-Harder discloses the step of based on the frequency of previously search requests (using conventional keyword search engine to calculate document's statistics including frequency of each matching word, see Braden-Harder 's fig.2, col.2 line 34 to col.3 line 6 and col.8 line 30 to col.9 line 43). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate Braden-Harder's teaching into the computer system method of Sonnenberg to retrieve stored record of web documents into a dataset from World Wide Web because it would have enabled users to filter and to re-rank documents that are more relevant to a user-supplied query on the World Wide Web using a search engine (see Braden-Harder's col.7 lines 6-33).

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As to claim 2, Sonnenberg discloses all requests from a particular user during a session are directed to the server (see fig.2, col.6 lines 13-65 and col.10 line 36 to col.11 line 12).

As to claim 3, Sonnenberg discloses all requests that occur between a first request of the session and a predetermined period of time (off peak time) during which no request is received by the server (see col.5 lines 24-65 and col.6 lines 13-43).

As to claim 4, Sonnenberg discloses the data and information related to the session are maintained in volatile memory of the server (see fig.2, col.6 lines 13-65 and col.10 line 36 to col.11 line 12).

As to claims 6 and 7, Sonnenberg discloses one or more searches for a category of information relating to various products and information for use with an electronic commerce World Wide Web site (see fig.2, col.6 lines 13-65 and col.10 line 36 to col.11 line 12).

Claims 8-11, 13 and 14 are rejected for the same reasons set forth in claims 1-4, 6 and 7 respectively.

Claims 21-24, 26 and 27 are rejected for the same reasons set forth in claims 1-4, 6 and 7 respectively.

***Other prior art cited***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Francis et al., US pat. No.5,761,418.
- b. Reisman, US pat. No.6,611,862.

***Response to Arguments***

5. Applicant's arguments with respect to claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

6. Claims 1-4, 6-11, 13, 14, 21-24, 26 and 27 are ***rejected***.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Dinh whose telephone number is (571) 272-3936. The examiner can normally be reached on Monday through Friday from 8:00 A.m. to 5:00 P.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung, can be reached on (571) 272-3939. The fax phone number for this group is (703) 872-9306.

*A shortened statutory period for reply is set to expire THREE months from the mailing date of this communication. Failure to respond within the period for response*

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*will cause the application to become abandoned (35 U. S. C. Sect. 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(A).*

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khanh Dinh  
Patent Examiner  
Art Unit 2151  
6/11/2005